

UNITED STATES DISTRICT COURT  
DISTRICT OF VERMONT

TODD SEMON, on behalf of himself, and all  
others similarly situated,

Plaintiff,

v.

ROCK OF AGES CORPORATION,  
SWENSON GRANITE COMPANY, LLC,  
KURT M. SWENSON, JAMES L. FOX,  
RICHARD C. KIMBALL, DONALD  
LABONTE, LAURA A. PLUDE, PAMELA G.  
SHEIFFER, CHARLES M. WAITE, and  
FREDERICK E. WEBSTER JR.,

Defendants.

Case No. 5:10cv00143 - CR

**PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION FOR A HEARING**

In response to Defendants' Motion for a Hearing (Docket No. 45), Plaintiff reiterates that this Court does not have subject matter jurisdiction for the reasons outlined in Plaintiff's briefing on his Motion to Remand, and in counsel's letter to the Court today. If, however, the Court chooses to hold a status conference, Plaintiff respectfully requests that it be conducted by conference call to save the parties' time and expense.

Dated: October 18, 2010

Respectfully submitted,



Chet B. Waldman (admitted *pro hac vice*)  
WOLF POPPER LLP  
845 Third Avenue  
New York, New York 10022  
(212) 759-4600

Daniel P. Richardson  
TARRANT, GILLIES, MERRIMAN &  
RICHARDSON  
44 East State Street  
P.O. Box 1440  
Montpelier, Vermont 05601-1440  
(T): (802) 223-1112  
(F): (802) 223-6225

*Attorneys for Plaintiff*